

REMARKS

An Office Action was mailed on January 24, 2007. Claims 1-34 are pending.

Applicant has amended claim 6 to overcome the rejection under 35 U.S.C. §112, second paragraph, by clarifying that the user identification is received *from* the user.

Claims 1-34, in various combinations, are rejected under 35 U.S.C. §103(a) as being unpatentable over Sivula (U.S. Patent 6,907,239) in view of McDonnell et al. (U.S. Patent Application Publication 2002/0177449) and further in view of either Lamkin et al. (U.S. Patent Application Publication 2004/0220926), or Donian et al. (U.S. Patent Application Publication 2004/0003398), or Ochiyama et al. (U.S. Patent Application Publication 2004/0031377) or a combination of the same. Applicant respectfully traverses such rejections in view of the amendments and argument set forth herein.

Independent claim 1, as amended, recites in part “subsequent to the user being provided with the storable electronic content, providing electronic advertising content to the user, the electronic advertising content comprising control commands that are receivable from a party other than the user, the control commands **enabling the electronic application** to render the electronic content accessible to the user.” Thus, the advertising content functions as the control commands for granting access to electronic content (see the paragraph bridging pages 6-7 of the originally filed application):

In addition, the advertisements may act as the control commands such that the listening to one or more advertisements may grant access to the playing of content from the disc 22. These advertisements may be transmitted from the service 70. The playing of the advertisement then enables the application program to play one or more content portions from the disk 22. This embodiment provides an incentive to the user to play the advertisements that may be related or unrelated to the content portions.

Applicant respectfully submits that the prior art of record fails to teach or reasonably suggest the use of **advertisements comprising control commands that enable an electronic application** to render electronic content accessible to a user as set forth in claims 1 et al. Claims 18 and 20 and the claims dependent therefrom are similarly amended and similarly supported by pages 6-7 of the originally filed application. The Examiner references paragraphs [0049] and [0055] of Donian et al. as disclosing providing electronic advertising content renderable by an

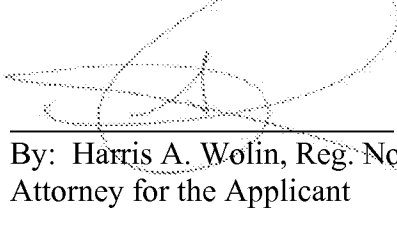
electronic application. However, such disclosure does not teach the use of electronic advertising as a control command to an electronic application as set forth in the claims as amended herein.

In view of the above amendments and remarks, it is believed that claims 1-34 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

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